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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,210

11/12/2001

Dirk Quintens

27500-9

4653

7590

06/16/2004

Joseph T. Guy Ph.D.
Nexsen Pruet Jacobs & Pollard LLP
201 W. McBee Avenue
Greenville, SC 29603

EXAMINER

SHEWAREGED, BETELHEM

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/054,210	Applicant(s) QUINTENS ET AL.	
	Examiner Betelhem Shewareged	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 10-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response filed on 03/22/2004 has been fully considered. Claims 3, 7-9 and 20-35 are canceled, claims 4-6, 18 and 19 are amended, and thus claims 1, 2, 4-6 and 10-19 are pending.

Claim Rejections - 35 USC § 102

2. Claims 1, 2 and 10-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Asano et al. (US 6,511,736 B1).

Asano discloses an ink jet recording medium comprising a substrate, an undercoat layer on the substrate, a multi-layered ink fixing layer on the undercoat layer, wherein the multi-layered ink fixing layer comprises an outermost ink fixing layer and one or more intermediate ink fixing layer (col. 2, line 35 and col. 3, line 10). Since the undercoat layer is capable of fixing ink (col. 6, lines 11-13 and col. 7, lines 13-15), it is equivalent to the claimed receiving layer. The outermost ink fixing layer is equivalent to the claimed top layer. The outermost ink fixing layer comprises cationic compound (col. 3, line 14) such as polymerization product of dimethyldiallylammonium chloride (col. 14, line 32). The undercoat layer comprises a pigment such as silica (col. 4, line 1) and a binder such as polyvinyl alcohol (col. 6, line 55). The undercoat layer may optionally contain the cationic compound (col. 7, lines 13-15). The undercoat layer further comprises a polymer resin containing repeating units derived from vinyl acetate monomer or vinyl propionate (col. 8, lines 9-44).

Response to Arguments

3. Applicant's argument is based on that the prior art teaches that the polymer resin and the colloidal silica disclosed in col. 8, lines 9-44 must be present as a complex which teaches away from the claimed invention. The above argument is not persuasive because the prior art is not limited to a complex of colloidal silica with a polymer resin prepared by polymerizing at least one monomer having at least ethylenically unsaturated bond to enhance the gloss of the recording material, **the use of colloidal silica or polymer resin prepared by polymerizing at least one monomer having at least ethylenically unsaturated bond in place of the complex is also taught in col. 8, lines 9-12.** When the prior art uses polymer resin prepared by polymerizing at least one monomer having at least ethylenically unsaturated bond, the claimed invention reads on the prior art.

Allowable Subject Matter

4. Claims 4-6, 18 and 19 are allowed. The closest art Asano fails to teach or suggest the polymer latex recited in claims 4-6, 18 and 19 as its polymer resin to be contained in the undercoat layer.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on Mon.-Thur. 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.B.S.

Betelhem Shewareged
June 10, 2004.



CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700